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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 DIEGO MORALES-RAMIREZ,
12 Petitioner,
13 v.
14 WARDEN,
15 Respondent.

Case No. 2:23-cv-01575-JDP (HC)

ORDER

**TO SHOW CAUSE FOR PETITIONER'S
FAILURE TO PROSECUTE**

**RESPONSE DUE WITHIN TWENTY-ONE
DAYS**

17 On February 6, 2024, respondent filed a motion to dismiss. ECF No. 8. To date,
18 petitioner has not filed an opposition or statement of non-opposition.

To manage its docket effectively, the court imposes deadlines and requires litigants to meet those deadlines. The court may dismiss a case for petitioner’s failure to prosecute or failure to comply with its orders or local rules. *See Fed. R. Civ. P. 41; Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (“[T]he consensus among our sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) *sua sponte*, at least under certain circumstances.”). Involuntary dismissal is a harsh penalty, but the court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

27 Petitioner will be given an opportunity to explain why the court should not dismiss his
28 case for failure to file an opposition or statement of non-opposition to respondent's motion to

1 dismiss. Petitioner's failure to respond to this order will constitute a failure to comply with a
2 court order and will result in dismissal of this case. Accordingly, petitioner must show cause
3 within twenty-one days of the date of entry of this order why the court should not dismiss his case
4 for failure to prosecute. Should petitioner wish to continue with this lawsuit, he shall also file,
5 within twenty-one days, an opposition or statement of non-opposition.

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7 IT IS SO ORDERED.

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9 Dated: April 4, 2024

10 
11 JEREMY D. PETERSON
12 UNITED STATES MAGISTRATE JUDGE

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